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NOTICE OF ALLOWANCE AND FEE(S) DUE

56015 7590 05/29/2008
PATTERSON & SHERIDAN, LLP/
SEDNA PATENT SERVICES, LLC
595 SHREWSBURY AVENUE
SUITE 100
SHREWSBURY, NJ 07702

EXAMINER

HUYNH, SON P

ART UNIT

PAPER NUMBER

2623

DATE MAILED: 05/29/2008

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/633,197

08/07/2000

Christopher W.B. Goode

SEDN/264

3-493

TITLE OF INVENTION: MULTIPLE CONTENT SUPPLIER VIDEO ASSET SCHEDULING

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$720	\$0	\$0	\$720	08/29/2008

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail

**Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax (571)-273-2885**

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

56015 7590 05/29/2008
**PATTERSON & SHERIDAN, LLP/
SEDNA PATENT SERVICES, LLC
595 SHREWSBURY AVENUE
SUITE 100
SHREWSBURY, NJ 07702**

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE-FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

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3493

TITLE OF INVENTION: MULTIPLE CONTENT SUPPLIER VIDEO ASSET SCHEDULING

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$720	\$0	\$0	\$720	08/29/2008

EXAMINER	ART UNIT	CLASS-SUBCLASS
HUYNH, SON P	2623	725-009000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/A/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,

1

(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

2

3

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.111. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY AND STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
☐ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)

☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____ Date _____

Typed or printed name _____ Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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HUYNH, SON P

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PAPER NUMBER

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Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)

(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 832 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 832 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability

Application No.

09/633,197

Examiner

SON P. HUYNH

Applicant(s)

GOODE, CHRISTOPHER W.B.

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERIT IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 2/18/2008.
2. ☒ The allowed claim(s) is/are 1-2, 4-6, 8-9, 11-17, 19, 22-23 that are renumbered as 1-17.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Eamon J. Wall (Reg. No. 39,414) and Michael Bentley (Reg. No. 52,613) on May 22, 2008 and May 23, 2008.

The application has been amended as follows:

1. (currently amended) A method, comprising the steps of:
establishing, by a cable television system operator, a resource lease with each of at least one content provider, each content provider storing at least some of a plurality of video assets within a leased memory resource at ~~at least one a~~ cable television system operator location, ~~said leased resource comprising a memory resource, wherein said~~ each resource lease defining for a respective content provider determines a size of at least one an assigned memory partition of a server complex assigned to said ~~at least one content provider;~~

fulfilling subscriber requests for available content stored at the ~~at least one~~ cable television system operator location by providing the requested content [,] ~~said fulfilling comprising providing said subscriber requests~~ to said subscribers [over] using a cable television delivery system;

generating usage statistics and content-centric data, wherein said usage statistics comprise data relating to ~~at least identification of titles~~ and availability of video assets requested by subscribers ~~and availability of said requested titles~~, and said content-centric data comprises data related to consumption of content including at least subscriber interest in certain content as well as date and time correlations associated with such subscriber interest;

providing said usage statistics and content-centric data to said at least one content provider;

selecting, according to said at least one content provider, which video assets are stored in said leased memory resource;

~~at least one of increasing and decreasing a capacity~~ changing a size of said leased memory resource in response to said usage statistics; and

adapting, by the at least one content provider, the content in the at least one assigned memory partition based on said usage statistics and content-centric data.

2. (original) The method of claim 1, further comprising the steps of:
generating service-centric data; and

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adapting service operation according to said usage statistics and said service-centric data.

3. (cancelled)

4. (original) The method of claim 1, further comprising the step of:

remitting compensation to said at least one content provider in response to said usage statistics.

5. (currently amended) The method of claim 4, wherein said remitted compensation is offset by [the] a value of said **resource** lease.

6. (currently amended) The method of claim 1, wherein said leased **memory** resource is adapted in response to said usage statistics.

7. (cancelled)

8. (currently amended) A method, comprising the steps of:

assigning **content management responsibilities for respective cable television system operator resources to each of a plurality of content providers** according to a resource lease [[,]] by a cable television system operator to each of **the** [[a]] plurality of content providers, ~~content management responsibilities for respective~~

~~cable television system operator resources~~, said cable television system operator resources comprising ~~[[a]]~~ memory resources, wherein each ~~said~~ resource lease ~~determines~~ **defines for a respective content provider** a size of ~~at least one~~ **an assigned memory** partition of a server complex ~~assigned to said at least one content provider~~;

fulfilling subscriber requests for available content stored at [the] ~~a~~ ~~at least one~~ cable television system operator location **by providing the requested content**; ~~said fulfilling comprising providing said subscriber requests to said subscribers over~~ **using** a cable television delivery system;

generating usage statistics and content-centric data, wherein said usage statistics comprise data relating to ~~at least identification of titles~~ **and availability** of video assets requested by subscribers ~~and availability of said requested titles~~, and said content-centric data comprises data related to consumption of content including at least subscriber interest in certain content as well as date and time correlations associated with such subscriber interest;

selecting, in response to information provided by said content providers, which video assets are stored within said respective cable television system operator **memory** resources; and

~~at least one of increasing and decreasing a capacity~~ **changing a size** of said memory resource in response to said usage statistics; and

adapting, by the at least one content provider, the content in the at least one **assigned memory** partition based on said usage statistics and content-centric data.

9. (original) The method of claim 8, further comprising the steps of:
generating service-centric data; and
adapting service operating according to said usage statistics and said service-centric data.
10. (cancelled)
11. (currently amended) The method of claim 8, further comprising the step of:
remitting compensation to said at least one content provider in response to said usage statistics, wherein said remitted compensation is offset by [[the]] a value of [[a]] said resource lease.
12. (previously presented) The method of claim 11, comprising:
defining rules for said video assets according to said content provider, said rules comprising pricing rules for said video assets;
providing said rules from said content provider by a signal path to a controller at said cable television system operator location;
and wherein the fulfilling step comprises:
fulfilling subscriber requests for available content stored at the at least one cable television system operator location according to said rules.

13. (currently amended) Apparatus coupled to a plurality of subscribers and to content suppliers, the apparatus comprising:

a server complex, at a cable television system operator location, comprising a plurality of memory partitions, each of said memory partitions storing video assets provided by a respective content supplier[[s]], each of said memory partitions being assigned to a content supplier in accordance with a respective resource lease and having a size defined by the respective resource lease wherein a size of each one of said plurality of partitions assigned a respective content supplier is determined by a resource lease; and

a controller configured for: (i) controlling distribution of said video assets through a cable television delivery system, (ii) providing usage statistics and content-centric data to said content suppliers, wherein said usage statistics comprise data relating to ~~at least identification of titles~~ and availability of video assets requested by subscribers ~~and availability of said requested titles~~, and said content-centric data comprises data related to consumption of content including at least subscriber interest in certain content as well as date and time correlations associated with such subscriber interest, (iii) selecting which of said video assets are stored in said respective memory partitions in response to said content suppliers, (iv) ~~at least one of increasing and decreasing a capacity of at least one partition~~ changing a size of said memory partition in response to said usage statistics; and (v) adapting, by the at least one content provider supplier, the content in at least one memory partition based on said usage statistics and content-centric data.

14. (previously presented) The apparatus of claim 13, wherein content suppliers provision respective server complex partitions according to rules implemented by said controller.
15. (original) The apparatus of claim 14, wherein said rules define at least one of a navigation parameter, a promotion parameter and a packaging parameter of said video assets provided by said content suppliers.
16. (original) The apparatus of claim 13, wherein said server complex partitions are leased by said content suppliers.
17. (original) The apparatus of claim 13, wherein said server complex partitions are auctioned to said content suppliers.
18. (cancelled)
19. (currently amended) The apparatus of claim 13,
wherein ~~and~~ said controller is coupled by a signal path to said content ~~provider~~
supplier, said signal path providing rules from said content ~~provider~~ supplier to said
controller, said rules defined according to said content ~~provider~~ supplier and
comprising pricing rules for said video assets; and

wherein said controller is capable of distribution of said video assets according to said rules.

20-21. (cancelled)

22. (previously presented) The method of claim 1, comprising:

defining rules for said video assets according to said content provider, said rules comprising pricing rules for said video assets;

providing said rules from said content provider by a signal path to a controller at said cable television system operator location;

and wherein the fulfilling step comprises:

fulfilling subscriber requests for available content stored at the at least one cable television system operator location according to said rules.

23. (currently amended) The method of claim 1, wherein said leased memory resource comprises at least a portion of a server complex having a plurality of resource partitions, the method comprising:

migrating content assets between resource partitions according to said usage statistics.

Allowable Subject Matter

2. Claims 1-2, 4-6, 8-9, 11-17, 19, and 22-23 are allowed in view of amendment and Applicant's arguments filed 2/18/2008.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to SON P. HUYNH whose telephone number is (571)272-7295. The examiner can normally be reached on 9:00 - 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher S. Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Son P Huynh/
Primary Examiner, Art Unit 2623

May 23, 2008

